

George S. McCall*
Cara C. Vecchione
SEDGWICK LLP
225 Liberty Street, 28th Floor
New York, New York 10281
Telephone: (212) 422-0202
Counsel for Defendant XL Insurance America, Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

OHIO CASUALTY INSURANCE
COMPANY AND LIBERTY
INSURANCE UNDERWRITERS INC.,

Plaintiffs,

-against-

WAL-MART STORES, INC. AND
WAL-MART TRANSPORTATION,
LLC, QBE INSURANCE
CORPORATION, ST. PAUL FIRE AND
MARINE INSURANCE COMPANY
AND XL INSURANCE AMERICA,
INC.,

Defendants.

CIVIL ACTION NO.: 3:16-cv-04029-MAS-LHG

NOTICE OF JOINT MOTION TO DISMISS

To: Paul R. Koepff
Clyde & Co US LLP
405 Lexington Avenue, 16th Floor
New York, New York 10174

PLEASE TAKE NOTICE that on August 15, 2016 at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendants Wal-Mart Stores, Inc. and Wal-Mart Transportation, LLC (collectively, "Wal-Mart") and Defendant XL Insurance America, Inc. ("XL") will move before The Honorable Michael A. Shipp at the United States District Court for the District of New Jersey, located at the Clarkson S. Fischer Building and United States Courthouse, 402 East State Street,

Trenton, New Jersey 08608, for an Order pursuant to Rule 41(c) of the Federal Rules of Civil Procedure to dismiss: (1) all claims by Wal-Mart against XL in their entirety with prejudice; and (2) all claims by XL against Wal-Mart in their entirety with prejudice. Additionally, Wal-Mart and XL also move this Court to dismiss XL as a party to this action and further order that the caption shall be amended to remove XL.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: New York, New York
July 21, 2016

Respectfully submitted,

s/ Cara C. Vecchione
George S. McCall*
Cara C. Vecchione
SEDGWICK LLP
225 Liberty Street, 28th Floor
New York, New York 10281
Telephone: (212) 422-0202
Facsimile: (877) 543-9170
george.mccall@sedgwicklaw.com
cara.vecchione@sedgwicklaw.com
Counsel for XL Insurance America, Inc.

* Admission *pro hac vice* pending